

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3329 of 2009

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1. Shashi Bhushan Yadav
 2. Dinesh Kumar Yadav
 3. Manoj Kumar Yadav, all sons of late Mohan Prasad Yadav, resident of Badaruddin Hata (Bidurti Hata), P. S. Siwanm Munsif, District Siwan

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman Vidyut Bhawan, Baily Road, Patna.
2. The Chairman, Bihar State Electricity Board, Bailey Road, Patna
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Finance Controller, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The General Manager-cum-Chief Engineer PESU(Supply), Patna
6. The Superintendent Engineer (Supply) PESU, Patna
7. The Executive Engineer (Supply) PESU, Danapur, Div. Patna
8. The Executive Engineer Electricity (Supply) PESU, Gardanibagh, Div. Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. T.N. Maitin, Sr. Advocate
Mr. Rajiv Kumar Sinha
For the Respondent/s : Mr. . Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-02-2018

Heard learned counsel for the petitioners and learned counsel for the Bihar State Electricity Board (Now Power Holding Company).

In the present writ petition, the petitioner has sought relief for equalization of his salary at par with his junior, namely, Parsuram Singh, as having claimed that on 31.10.2000 his scale was fixed at Rs.8215/- and admittedly he was junior and his salary was fixed at Rs. 8545 so he is entitled to the salary at least



at par with his junior.

But grievance of the original petitioner has been redressed and pay of the original petitioner has brought at Rs.8545 in 2003 and the arrear of Rs.4888 has been paid to the original petitioner vide cheque no.077416 dated 24.7.2004. So grievance of the original petitioner with regard to equality in the pay has been redressed. Further claim has been made by the petitioners that original petitioner has not been granted one year sick leave though he was suffering from disease of Tuber Culosis which has been treated to be the special disease and for that maximum one year sick leave along with salary has not been granted to the original petitioner. Though Tuberculosis has been treated to be special disease and person suffering from that disease is entitled to special leave.

Learned counsel for the Power Holding company submits that petitioners have not produced proper certificate to substantiate the claim that original petitioner was suffering from Tuberculosis but one Dr. Anil Kumar, Civil Assistant Surgeon, Siwan has issued the certificate without any detail, merely stated that he was suffering from Tubor Culosis without disclosing the line of treatment which was given to the original petitioner. Inasmuch as the petitioners have not produced



the medical bill which the original petitioner has purchased for his treatment.

In such view of the matter, if the petitioners submit proper certificate along with medical bill showing that treatment was conferred to the original petitioner, the Power Holding Company will take decision and if after examination of the material that has been brought by the petitioners are sufficiently arrived to a finding that original petitioner was suffering from Tuber Culosis, certainly the Power Holding Company will extend the benefit of special leave of one year along with pay to the original petitioner.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

